

Appl. No. : 09/879,364  
Filed : June 12, 2001

### REMARKS

In response to the Office Action mailed on October 14, 2005, Applicants respectfully request reconsideration of the application. Claims 12-15, 19-21, and 24-33 are pending. Claims 19 and 24 have been amended to clarify that the second medical implement is not positively claimed.

#### Non-Statutory Double Patenting Rejection

The Office Action rejected Claims 12-15, 19-21, and 24-33 under the non-statutory, obviousness-type double patenting in view of US Patent Nos. 6,428,520 and 6,245,048. In order to advance the prosecution of the present application, the Applicants have attached an appropriate Terminal Disclaimer.

The Applicants note that a Terminal Disclaimer was previously filed on June 27, 2003 with respect to US Patent No. 6,428,520. The Applicants assume that the June 27, 2003 Terminal Disclaimer has been entered and remains binding on the instant application. As such, the attached Terminal Disclaimer is filed only with respect to US Patent No. 6,245,048. In view of the foregoing, the Applicants respectfully request withdrawal of the non-statutory, obviousness-type double patenting rejection of the claims.

#### Conclusion

The Applicants thank the Examiner for his attention to this application. If any matter remains outstanding, the Examiner is encouraged to contact the undersigned by telephone. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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